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REMARKS

In response to the Office Action mailed December 5, 2005 (hereinafter "Office Action"), no claims have been amended, cancelled, or newly added. Therefore, claims 1-66, 68-88, and 90-94 remain pending. In view of the following comments, allowance of all the claims pending in the application is respectfully requested.

INFORMATION DISCLOSURE STATEMENT

Applicant thanks the Examiner for considering the references cited in the Supplemental Information Disclosure Statement filed on June 13, 2005, as evidenced by the signed and initialed copy of the PTO-1449 Form returned with the Office Action.

An Information Disclosure Statement was filed by Applicant on May 2, 2001. To date, however, Applicant has yet to receive a copy of the Form PTO-1449 (that accompanied this submission) signed and initialed by the Examiner indicating that cited references were considered. Accordingly, Applicant respectfully requests that the Examiner provide a signed and initialed copy of the Form PTO-1449 for this submission with the next Office Action.

DRAWINGS

Applicant submitted replacement drawing sheets for FIGS. 9, 12-18, and 23 with the "Response to First Office Action" filed June 13, 2005. Applicant respectfully requests that the Examiner indicate whether the changes to the drawing figures have been approved.

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INTERVIEW SUMMARY

Examiner N. Subramanian is thanked for the courtesies extended to Applicant's representative (the undersigned) during a telephonic interview conducted on December 21, 2005. During the interview, the claim rejections under 35 U.S.C. §112, second paragraph, were discussed. As no agreement was reached during the interview, Applicant provides the following arguments traversing the rejection of claims 1-66, 68-88, and 90-94.

REJECTIONS UNDER 35 U.S.C. §112, SECOND PARAGRAPH

Claims 1-66, 68-88, and 90-94 stand rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, in the Office Action (at pg. 2, ¶3), the Examiner recites:

Taken as a whole the claims recite an undue multiplicity of claims by virtue of the unreasonable number of claims presented would tend to obfuscate, confuse, and becloud the claimed invention. Because the examiner believes that in his judgment that twenty (20) claims are sufficient to properly define applicants' invention, applicants are required to select certain claims, not to exceed twenty for examination on the merits of which no more than six are independent claims, See M.P.E.P. 2173.05(n). To be complete **the non-selected claims must be cancelled** or the applicant(s) must present appropriate arguments as to why the above rejection is in error. Note also the new excess claim fees effective 12/8/04 as evidence of what is considered to be unreasonable.

It is further noted that it would appear that a multiplicity of inventions also appear to be involved and the applicants are requested to group their selection accordingly to read on a single invention that was examined in the last office action. The applicant should group the claims according to what he believes to be distinct inventions that may be restricted in a subsequent action.

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Applicant traverses this rejection for *at least* the reasons set forth below. Claims 1-66, 68-88, and 90-94 are currently pending in the application:

- Claim 1 is an independent claim, and claims 2-38 depend therefrom.
- Claim 39 is an independent claim, and claims 40-66, 68-88, and 90-94 depend therefrom.

In the First Office Action mailed December 14, 2004 (Paper No. 13), the Examiner fully examined claims 1-94 on the merits. No rejections based on “undue multiplicity” were made by the Examiner at that time.

After receiving Applicant’s “Response to First Office Action,” submitted June 13, 2005, the Examiner contacted the undersigned to arrange a personal interview to discuss the format of the claims. Applicant’s representative (Mr. James G. Gatto) met with the Examiner for a personal interview on September 13, 2005. The Examiner made no reference to any “undue multiplicity” rejections during that interview, nor did the Examiner express any concerns about the number of pending claims.

In a Supplemental Amendment filed by Applicant on September 21, 2005, some dependent claims were cancelled, and no new claims were added.

Accordingly, it is unclear to Applicant why the Examiner is raising this rejection at this stage of prosecution, especially given that the Examiner has provided no explanation in the Office Action to support the allegation that the claimed invention has been obfuscated, confused, or “beclouded” by the number of claims presented. Claims 1-66, 68-88, and 90-94 create neither the degree of multiplicity or repetition, nor the “maze of confusion” necessary to sustain a rejection under 35 U.S.C. §112, second paragraph. Applicant further notes that

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MPEP §2173.05(n) recites that “[u]ndue multiplicity rejections based on 35 U.S.C. 112, second paragraph, should be applied judiciously and should be rare.”

The Examiner has failed to set forth any evidentiary support for the rejection. For at least each of the foregoing reasons, the rejection of claims 1-66, 68-88, and 90-94 under 35 U.S.C. §112, second paragraph, is improper and should be withdrawn.


CONCLUSION

Having addressed each of the foregoing rejections, it is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, the application is in condition for allowance. Notice to that effect is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Respectfully submitted,

By:



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